



News from

Council President Todd Gloria

City of San Diego ▪ District Three

NEWS RELEASE

For immediate release: February 13, 2013

Contact: Katie Keach, 619-235-5268

Council President Gloria Stands with Neighbors *Construction Project Opposed from Beginning to End*

SAN DIEGO, CA (February 13, 2013) – Council President Todd Gloria stood firm with neighbors against a major construction project as the City of San Diego settled a lawsuit yesterday.

On Tuesday, February 12, 2013, the City Council voted in Closed Session to authorize full, and for final settlement of a case with the Academy of Our Lady of Peace (OLP), resulting from the City Council's decision in 2009 to deny approval of the renovation project. Council President Gloria voted against the settlement, consistent with his long held opposition to the project. His statement on the matter is below.

“It has always been my desire that OLP would revise their Modernization Plan so that it preserved the community character without removing or damaging the historic resources. I have remained consistent in advocating this position, as well as my opposition to the project as proposed by OLP through two Council hearings, a deposition, a cross-examination at trial, and four closed session meetings, including the hearing yesterday on the settlement.

“The vote yesterday, which I opposed, reflected a business decision by the supporting members of the Council to take a settlement offer that had been reduced from \$5.6 million down to \$500,000.

“The settlement provides an opportunity to move two historic homes, whereas OLP had petitioned the court to be able to demolish the homes on site. There is now an opportunity to relocate them, and I’m glad that the City’s Real Estate Assets Department is investigating potential City-owned sites on which the homes may be appropriate.

“Had this case moved forward on appeal, everything that the jury found, like the finding that the City’s denial of the plan unfairly burdened OLP’s right to religious exercise, the Court of Appeal would have taken as facts.

“It is important to note that the case does not constitute a published decision; it does not set precedent, meaning that it can’t be used to decide other cases. The case will be dismissed when the City has complied with all conditions. If the City had continued with the appeal, we would have run the risk of it becoming a precedent setting case.

-MORE-

“The efforts of OLP will forever change the character of the neighborhood and has soured the relationship between the school and its neighbors. I wish the outcome had been different but am proud to stand with my constituents and oppose this project from beginning to end.”

Background: OLP sued the City claiming the City violated its rights under the Federal Religious Land Use and Institutionalized Persons Act. The Consent Decree will order the City to issue a permit for the Modernization Project and pay a monetary settlement to OLP in the amount of \$500,000. The permit will allow OLP to construct a 2-story classroom building and a 2-story parking structure; will allow OLP to demolish a single-family dwelling owned by OLP on Uvada Place without any further discretionary review by the City. It will allow the removal of two other houses, one on Collier Avenue and one on Copley Avenue owned by OLP and will allow for a Conditional Use Permit with student enrollment of 750 students on campus. Upon notice by OLP the City will remove the Collier single-family dwelling and the Copley Avenue single-family dwelling from the OLP property. The removal must occur by May 1, 2014 unless a new date is agreed to by OLP and the City, and approved by the Court. The City will be responsible for all aspects of the removal of the two homes. OLP will retain no legal interest in or responsibility for the Copley or Collier single-family homes following their removal from OLP's property. The City will limit the cost to OLP for processing further permits for the Modernization Project to no more than \$100,000. All further permits needed for OLP's Modernization Project will be processed through the City's Express Plan Check Process at no extra cost to OLP. Other than payment of the settlement funds, each party will bear their own costs and fees associated with the action. The motion passed 6-2 with Council President Gloria and Council President Pro Tem Lightner voting no, and Council District 4 vacant.

###